

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MORRIS HARMON,
Plaintiff,

v.

J. VILLASENOR,
Defendant.

Case No. [18-cv-05183-DMR](#) (PR)

ORDER OF TRANSFER

On August 23, 2018, Plaintiff, a state prisoner, filed a *pro se* civil rights action pursuant to 42 U.S.C. § 1983. Dkt. 1. He also filed a motion for leave to proceed *in forma pauperis* (“IFP”) and his six-month trust statement, but he did not file a Certificate of Funds. Dkt. 2.

On the same day the action was filed, the Clerk of the Court sent a notice directing Plaintiff to either pay the filing fee or submit a Certificate of Funds completed and signed by an authorized officer at the prison. Dkt. 3. To date, Plaintiff has not responded to the Clerk’s notice.

On August 23, 2018, Plaintiff consented to magistrate judge jurisdiction. Dkt. 4.

The acts complained of occurred at the California Correctional Center in Lassen County, which is located in the Eastern District of California, and it appears that the Defendant resides in that district. Venue, therefore, properly lies in that district and not in this one. *See* 28 U.S.C. § 1391(b).

Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this action is TRANSFERRED to the United States District Court for the Eastern District of California.¹ The Clerk shall transfer the case forthwith.

If Plaintiff wishes to further pursue this action, he must complete the IFP application form

¹ Venue transfer is a non-dispositive matter and, thus, it falls within the scope of the jurisdiction of the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(A).

1 required by the United States District Court for the Eastern District of California and mail it to that
2 district.

3 All pending motions are TERMINATED on this court's docket as no longer pending in
4 this district.

5 IT IS SO ORDERED.

6 Dated: October 3, 2018



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8 DONNA M. RYU
United States Magistrate Judge
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CERTIFICATE OF SERVICE


I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 3, 2018, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Morris Harmon ID: V-62035
Deuel Vocational Institute
23500 Kasson Rd.
Tracy, CA 95304

Dated: October 3, 2018

Susan Y. Soong
Clerk, United States District Court

By: 
Ivy Lerma Garcia, Deputy Clerk to the
Honorable DONNA M. RYU